

### **REMARKS**

The applicant respectfully requests reconsideration in view of the amendments and the following remarks. Support for amended claim 1 can be found in claim 21.

Claims 1-20 and 22-32 are rejected under 35 U.S.C. 112, second paragraph. Claims 1-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of US 7,235,320 in view of WO 02/386,650. Claims 1-32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-71 of copending Application No. 10/489,396<sup>1</sup>. Claims 1-3, 8, 10-25, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0186189 (Muller et al.). Claims 4, 5, 6, 7, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. in view of Bevers or Wilson. The applicant respectfully traverses these rejections.

#### **Rejections under 35 U.S.C. 112**

Claims 1-20 and 22-32 are rejected under 35 U.S.C. 112, second paragraph. The applicant has amended the claims and believes that the claims as amended are in compliance with 35 U.S.C. 112, second paragraph. For the above reasons, this rejection should be withdrawn.

#### **Double patenting rejections**

Claims 1-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of US 7,235,320 in view of WO 02/386,650. Claims 1-32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-71 of copending Application No. 10/489,385.

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<sup>1</sup> The applicant telephoned the Examiner and the Examiner stated that the correct serial no. is 10/489,385.

In response, Applicants have filed herewith Terminal Disclaimers. Accordingly, Applicants respectfully request that the double-patenting rejections be withdrawn.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection. For the above reasons these rejections should be withdrawn.

### **Rejections Over Muller**

Claims 1-3, 8, 10-25, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller. Claims 4, 5, 6, 7, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. in view of Bevers or Wilson. Muller published in German. It would not be a 35 USC 102 (e) reference but would qualify under 35 U.S.C. 102 (a). The earliest publication date appears to for the European patent EP1275596 (A1) (January 15, 2003) (see enclosed family search of Muller). Enclosed is a certified English translation of the applicant's German priority application 102 46 372.7 filed October 4, 2002. The applicant believes that they have perfected their claim to priority and are entitled to October 4, 2002 as their filing date (see in particular the claims of the priority document). Therefore, Muller is no longer applicable prior art and these rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 15588-00010-US from which the undersigned is authorized to draw.

Dated: September 23, 2009

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/  
Ashley I. Pezzner  
Registration No.: 35,646  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P. O. Box 2207  
Wilmington, Delaware 19899-2207  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicant

Enclosure: Family search of US 2004/186189  
Certified English translation of Priority application  
Terminal Disclaimers (2)

**Family list**

13 application(s) for: **US2004186189 (A1)**

<b>1</b>	<b>Transport container</b> <div>in my patents list <input type="checkbox"/></div> <b>Inventor:</b> WOELFINGER ULLA [DE] <b>EC:</b> B65D25/20B; B65F1/14J; (+2) <b>Publication info:</b>	<b>Applicant:</b> MEWA TEXTIL SERVICE AG & CO MA [DE] <b>IPC:</b> B65D25/20; B65F1/14; G09F3/20; (+9) <b>AT312780 (T) — 2005-12-15</b>
<b>2</b>	<b>METHOD FOR PRODUCING A PLASMA-POLYMERIZED POLYMER ELECTROLYTE MEMBRANE AND A POLYAZOL MEMBRANE COATED BY PLASMA-POLYMERIZATION</b> <div>in my patents list <input type="checkbox"/></div> <b>Inventor:</b> MUELLER JORG [DE] ; MEX LAURENT [DE] <b>EC:</b> B01D69/12D10; H01M8/10E2 <b>Publication info:</b>	<b>Applicant:</b> MULLER JORG [DE] ; MEX LAURENT [DE] <b>IPC:</b> C08J7/04; B01D69/12; C08G83/00; (+12) <b>CA2448447 (A1) — 2003-01-23</b>
<b>3</b>	<b>Method for producing a plasma-polymerized polymer electrolyte membrane and a polyazol membrane coated by plasma-polymerization</b> <div>in my patents list <input type="checkbox"/></div> <b>Inventor:</b> JOERG MUELLER [DE] ; LAURENT MEX [DE] <b>EC:</b> B01D69/12D10; H01M8/10E2 <b>Publication info:</b>	<b>Applicant:</b> MUELLER JOERG [DE] <b>IPC:</b> C08J7/04; B01D69/12; C08G83/00; (+18) <b>CN1610984 (A) — 2005-04-27</b>
<b>4</b>	<b>METHOD FOR PRODUCING A PLASMA-POLYMERIZED POLYMER ELECTROLYTE MEMBRANE AND A POLYAZOL MEMBRANE COATED BY PLASMA-POLYMERIZATION</b> <div>in my patents list <input type="checkbox"/></div> <b>Inventor:</b> MUELLER JOERG [DE] ; MEX LAURENT [DE] <b>EC:</b> B01D69/12D10; H01M8/10E2 <b>Publication info:</b>	<b>Applicant:</b> MUELLER JOERG [DE] ; MEX LAURENT [DE] <b>IPC:</b> C08J7/04; B01D69/12; C08G83/00; (+13) <b>DE10133738 (A1) — 2003-02-06</b>
<b>5</b>	<b>Transport container</b> <div>in my patents list <input type="checkbox"/></div> <b>Inventor:</b> WOELFINGER ULLA [DE] <b>EC:</b> B65D25/20B; B65F1/14J; (+2) <b>Publication info:</b>	<b>Applicant:</b> MEWA TEXTIL SERVICE AG & CO MA [DE] <b>IPC:</b> B65D25/20; B65F1/14; G09F3/20; (+9) <b>DE10133739 (A1) — 2003-01-30</b>
<b>6</b>	<b>Transport container</b> <div>in my patents list <input type="checkbox"/></div> <b>Inventor:</b> WOELFINGER ULLA [DE] <b>EC:</b> B65D25/20B; B65F1/14J; (+2) <b>Publication info:</b>	<b>Applicant:</b> MEWA TEXTIL SERVICE AG & CO MA [DE] <b>IPC:</b> B65F1/14; B65D25/20; G09F3/20; (+5) <b>DK1275596 (T3) — 2006-04-10</b>
<b>7</b>	<b>Transport container</b> <div>in my patents list <input type="checkbox"/></div>	

**Inventor:** WOELFINGER ULLA [DE]

**EC:** B65D25/20B; B65F1/14J; (+2)

**Publication info:**

**Applicant:** MEWA TEXTIL SERVICE AG & CO MA [DE]

**IPC:** B65D25/20; B65F1/14; G09F3/20; (+9)

**EP1275596 (A1)** — 2003-01-15

**EP1275596 (B1)** — 2005-12-14

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**METHOD FOR PRODUCING A PLASMA-POLYMERIZED POLYMER ELECTROLYTE MEMBRANE AND A POLYAZOL MEMBRANE COATED BY PLASMA-POLYMERIZATION**

in my patents list ☐

**Inventor:** MUELLER JOERG [DE]; MEX LAURENT [DE] **Applicant:** MUELLER JOERG [DE]; MEX LAURENT [DE]

**EC:** B01D69/12D10; H01M8/10E2

**Publication info:**

**IPC:** C08J7/04; B01D69/12; C08G83/00; (+12)

**EP1497882 (A2)** — 2005-01-19

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**Transport container**

in my patents list ☐

**Inventor:** WOLFINGER ULLA [DE]

**EC:** B65D25/20B; B65F1/14J; (+2)

**Publication info:**

**Applicant:** MEWA TEXTIL SERVICE AG & CO MA

**IPC:** B65D25/20; B65F1/14; G09F3/20; (+9)

**ES2256365 (T3)** — 2006-07-16

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**METHOD FOR PRODUCING A PLASMA-POLYMERIZED POLYMER ELECTROLYTE MEMBRANE AND A POLYAZOL MEMBRANE COATED BY PLASMA-POLYMERIZATION**

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**Inventor:**

**EC:** B01D69/12D10; H01M8/10E2

**Publication info:**

**Applicant:**

**IPC:** C08J7/04; B01D69/12; C08G83/00; (+18)

**JP2005520001 (T)** — 2005-07-07

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**Transport container**

in my patents list ☐

**Inventor:** ULLA WOELFINGER [DE]

**EC:** B65D25/20B; B65F1/14J; (+2)

**Publication info:**

**Applicant:** MEWA TEXTIL SERVICE AG & CO MA [DE]

**IPC:** B65D25/20; B65F1/14; G09F3/20; (+9)

**PT1275596 (E)** — 2006-05-31

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**Method for producing a plasma-polymerized polymer electrolyte membrane and a polyazol membrane coated by plasma-polymerization**

in my patents list ☐

**Inventor:** MULLER JORG [DE]; MEX LAURENT [DE]

**EC:** B65D25/20B; B65F1/14J; (+2)

**Publication info:**

**Applicant:** MULLER JORG; MEX LAURENT

**IPC:** B65D25/20; B65F1/14; G09F3/20; (+8)

**US2004186189 (A1)** — 2004-09-23

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**METHOD FOR PRODUCING A PLASMA-POLYMERIZED POLYMER ELECTROLYTE MEMBRANE AND A POLYAZOL MEMBRANE COATED BY PLASMA-POLYMERIZATION**

in my patents list ☐

**Inventor:** MUELLER JOERG [DE]; MEX LAURENT [DE] **Applicant:** MUELLER JOERG [DE]; MEX LAURENT [DE]

**EC:** B01D69/12D10; H01M8/10E2

**Publication info:**

**IPC:** C08J7/04; B01D69/12; C08G83/00; (+12)

**WO03007411 (A2)** — 2003-01-23

**WO03007411 (A3)** — 2004-11-04